

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

DD OIL COMPANY,

Plaintiff,

v.

Civil Action No.: 1:22-cv-91

Judge: Thomas S. Kleeh

**THE WEST VIRGINIA DEPARTMENT OF
ENVIRONMENTAL PROTECTION, et. al.,**

Defendants.

**STIPULATION OF THE PARTIES REGARDING
ADMISSIBILITY OF FORM WR-35 FOR PERMIT RENEWAL**

COMES NOW, DD Oil Company, by and through its counsel, Ryan Umina and Umina Legal, PLLC, and J. Morgan Leach, and the Defendants, by and through their counsel, Keith Gamble, and Pullin, Fowler, Flanagan, Brown & Poe, PLLC and hereby stipulates to the following:

1. This case involves Plaintiff's substantive rights to drilling permits in which the parties disagree as to the validity of the Defendants underlying actions revoking said permits for the "Subject Wells" described in Plaintiff's Complaint.
2. In an attempt to mitigate its damages and resume well work on the Subject Wells as described in Plaintiff's Complaint, submission of a completion report, otherwise known as Form WR-35 is required to obtain a new permit for the Subject Wells.
3. The parties are in agreement and hereby stipulate that the Plaintiff's submission of Forms WR 35 for the Subject Wells is not an admission by the Plaintiff that it's permitted well work was complete, nor may the submission of the WR-35's be

construed as an admission to any allegation made by the Defendants that the Plaintiff engaged in any act or omission that would validate the Defendants position that Plaintiff's permits were revoked or otherwise invalid.

4. Further, the parties agree and stipulate that any Form WR-35 submitted on the Subject Wells subsequent to the date of this agreement shall not be used in the trial in this matter to support the notion that the Plaintiff has made any admission that it's permits for the Subject Wells were revoked or invalid and/or that the well work on the Subject Wells was completed, and the Plaintiff maintains the positions taken in its Complaint regarding the status of its permits and the basis for its due process claims against the Defendants in this matter.

IT IS HEREBY STIPULATED AND AGREED that Plaintiff may submit its WR 35's solely for the purpose of mitigating its damages and resuming well work on the Subject Wells, and that the submission of any WR 35 subsequent to the date of this agreement for the Subject Wells may not be used against it as evidence at trial.

Prepared by:
DD Oil Company,

By Counsel,

/s/ J. Morgan Leach
J. Morgan Leach, Esq.
WV State Bar No. 13124
P.O. Box 5518 Vienna, WV 26105
(855) 444-5529 (call | text | fax)
morgan@jmorganleach.law
jmorganleach.law
Counsel for Plaintiff

Approved By:

with permission

/s/ Keith C. Gamble

Keith C. Gamble, Esq.

Pullin Fowler Flanagan Brown &

Poe PLLC - Morgantown

2414 Cranberry Sq

Morgantown, WV 26508

304-225-2200

304-225-2214 (fax)

kgamble@pffwv.com

Counsel for Defendants